

Jackson 2012

## **RULES OF CRIMINAL PROCEDURE**

### **LR36-CR00-1: BOND SCHEDULE.**

Unless otherwise ordered by the Court, the bail bond in Stalking and Domestic Battery cases, whether a Class D Felony or a Class A Misdemeanor, shall be \$1,500.00 cash. In all other cases the following shall be the amounts set for the bail bonds, unless otherwise ordered by the Court:

<b>Charge</b>	<b>Bond Amount</b>
Class C Misdemeanors	\$350 Cash
Class B Misdemeanors	\$350 Cash
Class A Misdemeanors	\$700 Cash
Class D Felonies	\$1000.00 Cash
Class C Felonies	\$10,000 Cash
Class B Felonies	\$50,000.00 Cash
Class A Felonies	\$100,000.00 Cash
Murder	NO BOND

### **LR36-CR00-2: Reciprocal Pre-Trial Discovery**

**(a) How Made.** In all criminal cases, mandatory reciprocal pre-trial discovery must be furnished by the State within thirty (30) days of the date of the earlier of the omnibus date or the appearance by an attorney on behalf of the defendant and the defendant's pre-trial discovery must be made within 30 days after the State's production.

**(b) State's Mandatory Obligations.** The State must furnish the following to the defendant or the attorney for the defendant as though a Request For Production was filed:

- (1) The names and last known addresses of persons whom the State may call as witnesses, together with their relevant written or recorded statements;
- (2) Any written or recorded statements and the substance of any oral statements made by the accused or by a co-defendant, and a list of any witnesses to the making or acknowledgment of such statements;
- (3) Any reports or statements of experts, made in connection with the particular case, including the results of physical or mental examinations and of scientific tests, experiments or comparisons;
- (4) Any books, papers, documents, photographs or tangible objects which the prosecuting attorney intends to use in the hearing, or trial, or which were obtained from or belong to the accused;
- (5) Any record of prior criminal convictions which may be used for impeachment of the persons whom the State intends to call as witnesses at the hearing or trial;
- (6) The terms of any agreements made with co-defendants or other State's witnesses to secure their testimony;
- (7) Any material or information within the State's possession that tends to negate the guilt of the accused as to the offense charged or would tend to reduce the defendant's punishment.

**(c) Defendant's Mandatory Obligations.** The defendant must furnish to the State the following materials as though a Request For Production was filed:

- (1) The names and last known addresses of the persons whom the defendant intends to call as witnesses along with their relevant written or recorded statements, and any record of prior criminal convictions of such witnesses, if known;
- (2) Any books, papers, documents, photographs, or tangible objects the defendant intends to use as evidence or for impeachment at hearing or trial;
- (3) Medical, scientific, or expert witness evaluations, statements, reports, or testimony, which may be used at hearing or trial.

**(d) Defendant's Obligations upon Request of the State.** Upon request by the State, the defendant must produce the person of the accused, subject to constitutional and statutory limitations, for purposes of:

- (1) Appearing in a line-up;
- (2) Speaking for identification by witnesses to an offense;
- (3) Being fingerprinted;
- (4) Posing for photos not involving reenactment of a scene;
- (5) Tying on an article of clothing;
- (6) Permitting samples of blood, hair, or other materials of his body, which involve no unreasonable intrusion;
- (7) Providing a sample of the defendant's handwriting; and
- (8) Submitting to a reasonable physical or medical inspection of the defendant's body.

**(e) Reasonable Notice.** Whenever the person of the accused is required for the foregoing purposes, reasonable notice shall be given by the State to the accused and his counsel, who shall have a right to be present.

### **LR36-CR00- 3: Plea Agreement Deadlines in Felony Cases.**

**(a) Plea Bargain.** A "Plea Bargain" is defined as an offer by the State to the defendant that sets parameters on the sentence that the Court can impose if accepted by the defendant and approved by the Court.

**(b) Change Bargain.** A "Charge Bargain" is defined as an offer by the State to the defendant that dismisses certain Counts and/or cases, or reduces the charge to a lesser-included offense.

**(c) Offers in Felony cases:**

- (1) The State shall notify the defendant in writing at least seven (7) days prior to the pretrial conference of any plea or charge bargain it is offering to the defendant.
- (2) Counsel for the defendant shall notify the defendant of each plea offer extended to the defendant and shall be prepared to notify the Court at the final pretrial conference as to whether the defendant shall accept or reject the standing offer.
- (3) The Court will not accept a plea agreement after the plea deadline.

### **LR36-CR00-4: Presence at Initial Hearing**

In all C Felony or higher cases and all driving felony cases, the defendant is ordered to be present at the initial hearing. In all other D-felony and misdemeanor cases the defendant is required to be present at the initial hearing unless a Waiver is filed, signed by the defendant and his attorney.